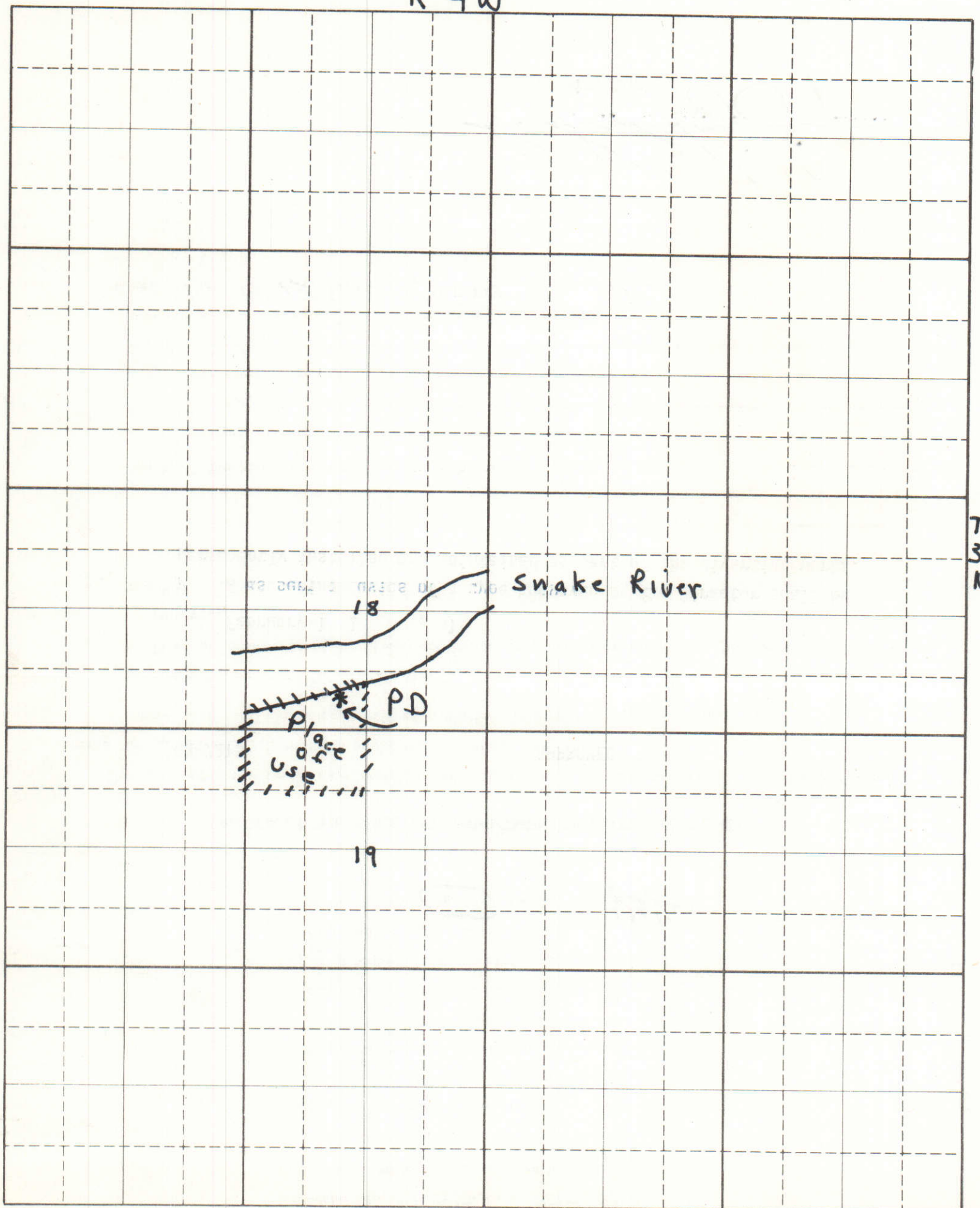


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R 4W



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Joe [Signature]
(Applicant)
President of Company

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

} s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 22 day of Jan, 1976, and the last publication being on the 29 day of Jan, 1976;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 29 day of Jan, 1976...

Rodney A. Hawes
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that FAIR ACRES, INC., Rt. 2, Wilder, ID has on Jan. 8, 1976 submitted Application No. 02-7215 for a permit to appropriate 2.22 cubic feet per second of water from the Snake River, trib. to Columbia River by means of pump, pipeline and sprinkler system within the Gov't lot 8, Sec. 18, T. 3 N., R. 4 W., B. M., Owyhee County, to be used from March 15 to Nov. 15 for irrigation of 111 acres within the Lots 8 & 9, Sec. 18, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 19, T. 3 N., R. 4 W., B. M. If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before Feb-9, 1976.

R. KEITH HIGGINSON,
Director.

Published in the Owyhee Nugget, Marsing, ID on Jan. 22, 1976 and Jan. 29, 1976.

FEB 2 1976

Ob
cls
2-2-76

MICROFILMED

3N 4W



3. Water is used for the following purposes:

Reported to

(name, firm, address, etc.)

3. Source of water supply: Groundwater ☐ Surface water ☒ Snake River

Person to contact

Joe Ireno

Phone

Post office address

64 S. Market St. 83418

Phone

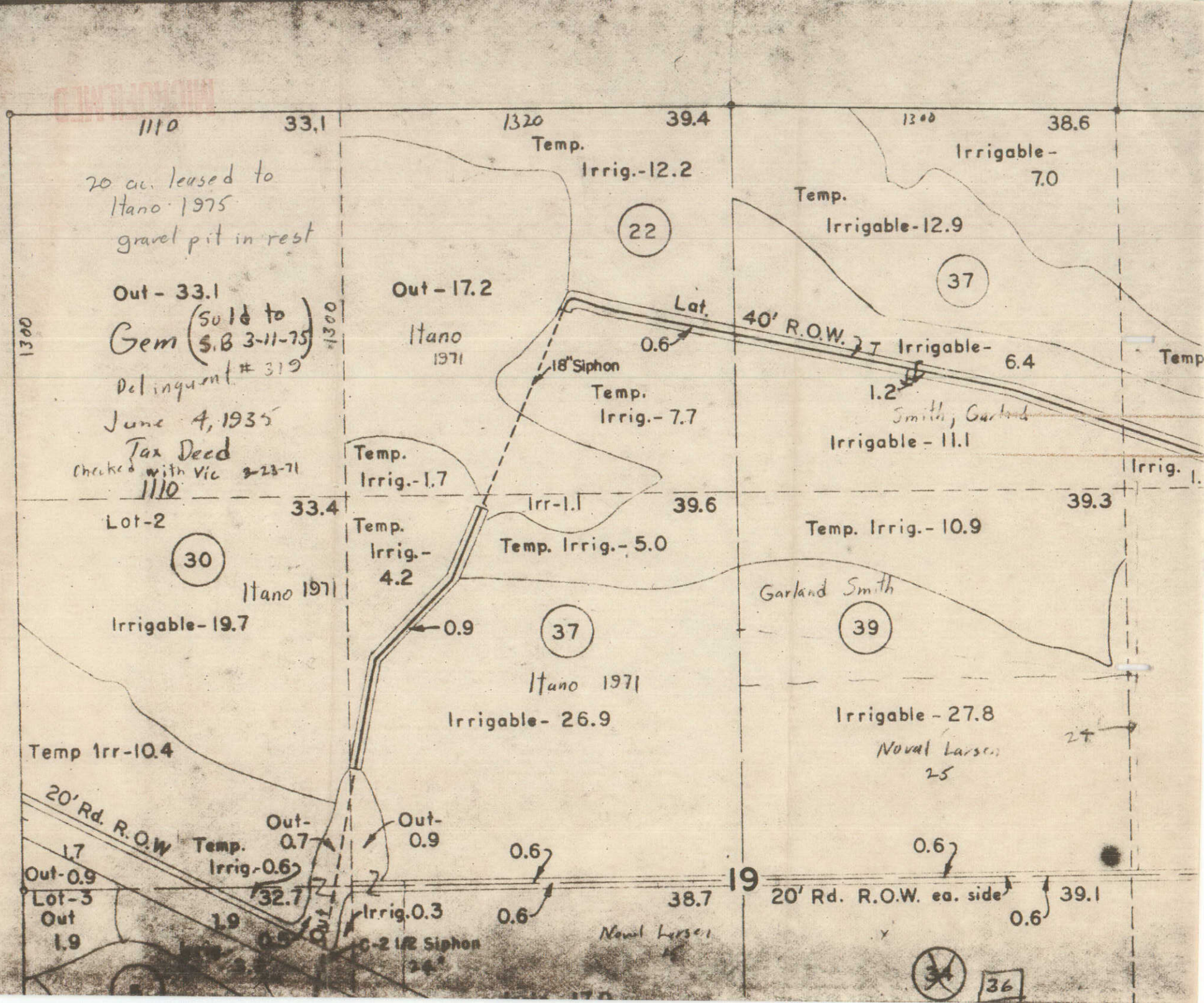
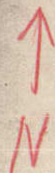
84--5511

Name of owner/holder

Edin Acres, Inc.

FIELD REPORT

DEPARTMENT OF WATER RESOURCES

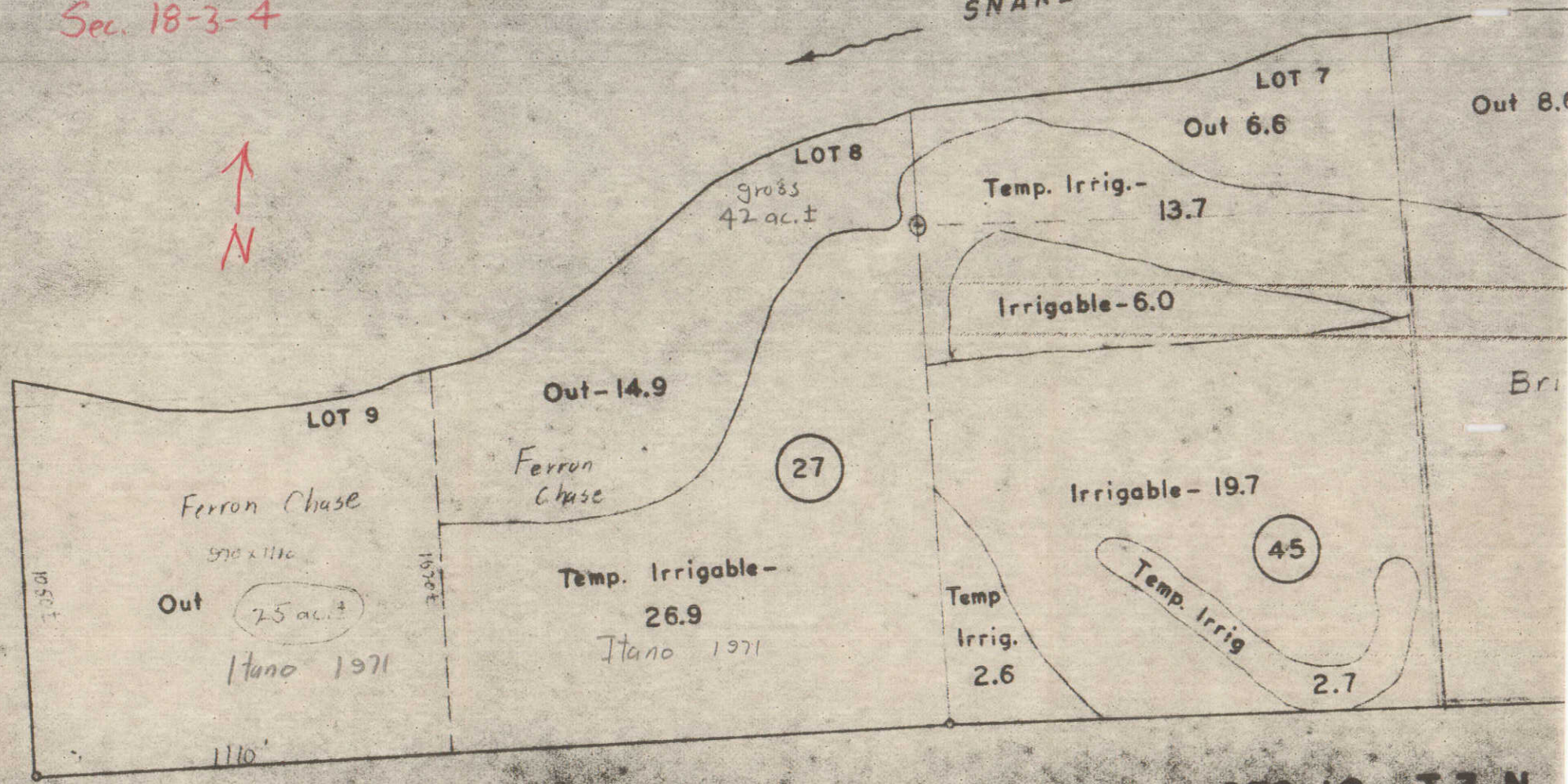


18

RIVER

SNAKE

Sec. 18-3-4



SEC. 18, T.3 N.,

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7215 Priority January 8, 1976 Amount 1.68 cfs

THIS IS TO CERTIFY, that FAIR ACRES, INC.
of Wilder, Idaho, has complied with the terms and conditions of Permit
No. 02-7215 issued pursuant to Application for Permit dated January 8, 1976,
and has submitted proof to the Department of Water Resources on January 27, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.68 cfs of water from Snake River,
tributary to Columbia River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>1.68</u> cfs and <u>555</u> acre feet		
	from _____ at _____ cfs and _____		
	from _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 1.68 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
555 acre feet per year, said waters to be diverted within the Govt. Lot 8, Sec. 18,
Twp. 3N, Rge. 4W, B.M. in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				Totals
			NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	
3N	4W	18													64
		19				25	22								47

Total number of acres irrigated 111

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of
January, 19 80.

Stephen Allred
Director

MICROFILMED

Identification No. _____

Application No. 02-7215

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Fair Acres, Inc. Phone: 482-7217
post office address Rt. 2, Wilder, ID 83676
2. Source of water supply Snake River which is a tributary of Columbia River
3. a. Location of point of diversion is Gov't lot 8 $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 18 Township 3N
Range 4W B.M. Owyhee County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 2.22 ~~cfs~~ cfs for irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 2.22 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump from river into pipeline and
sprinkler system.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$40,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	4W	18										Lot 9 28	Lot 8 33						61
		19					10	40											50

Total number of acres to be irrigated 111

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion applicant

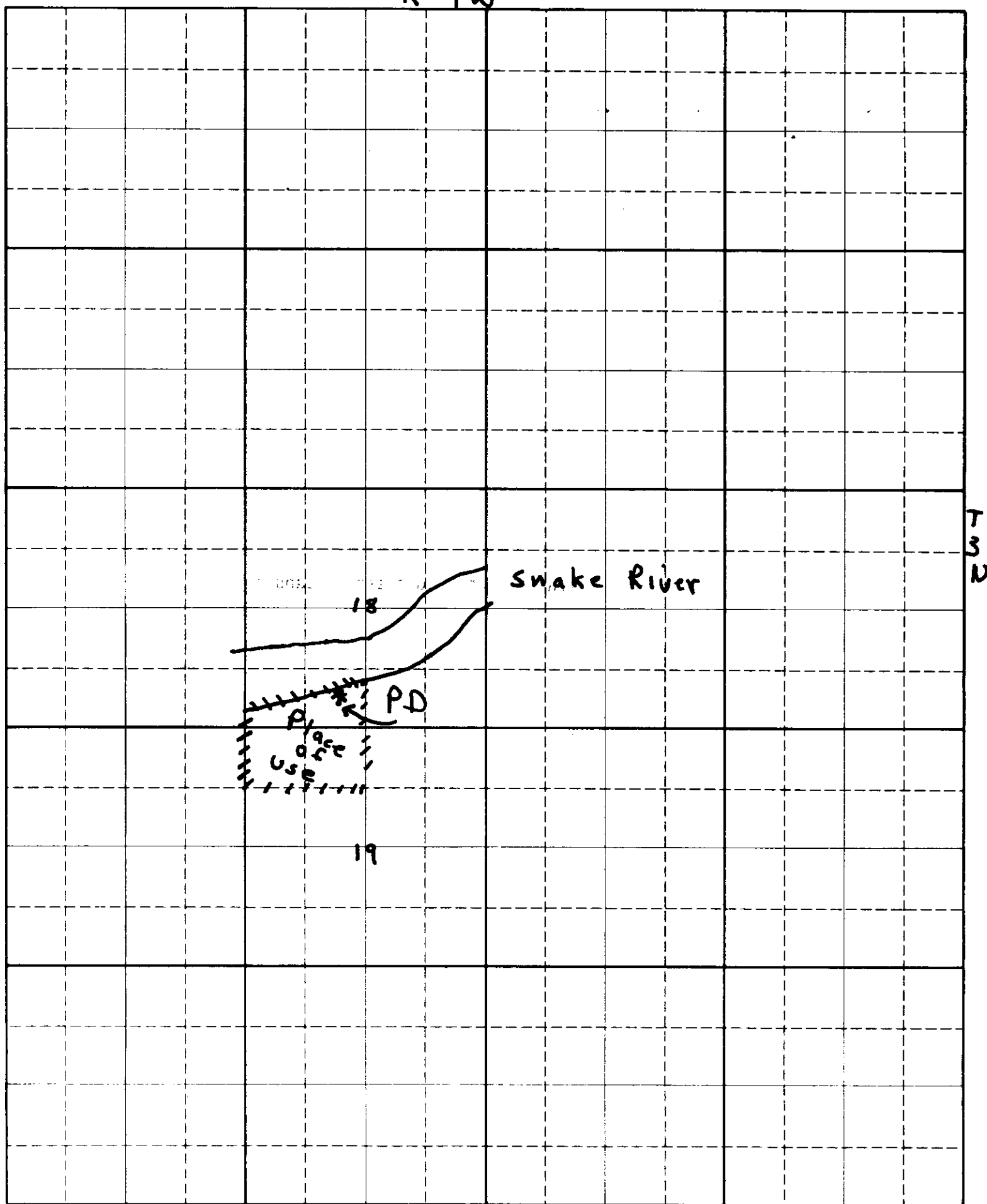
b. Who owns the land to be irrigated or place of use applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks System has been in use since June 5, 1971

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R 4W



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Joe [Signature]
(Applicant)
President of Company

Proposed Priority 1-08-1976

Received by dk Date 1-8-76 Time 4:14 pm

Preliminary check by RR Fee \$ 45.00 inc. 3.18

Received by dk Date 1-8-76

Publication prepared by CIS Date 1-15-76

Published in Cwyba Nugget

Publication dates Jan. 22 & 29

Publication approved CIS Date 2-2-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JH Det

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 02-7215, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 81.

c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 20 day of May, 19 76.

[Signature]
Director

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 22 day of Jan, 1976, and the last publication being on the 29 day of Jan, 1976;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

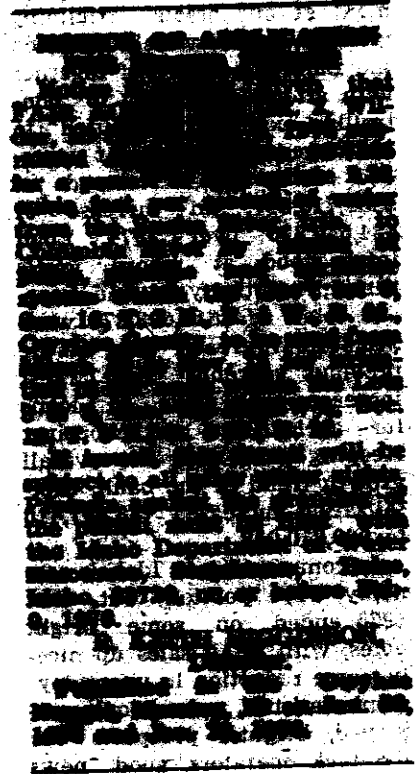
Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 29 day of Jan, 1976.

Laura L. Hawes
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)



OK
CL5
2-2-76



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

January 31, 1980

Fair Acres, Inc.
P.O. Box 100
Wildor, Idaho 83676

Dear Sirs,

RE: License No. 02-7215

Enclosed is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

RECEIVED
JAN 31 1980
STATE OF IDAHO



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 16, 1980

Re: Permit No. 02-7215

Fair Acres, Inc.
Route #2
Wilder, ID 83676

Gentlemen:

A representative of this Department made an examination of the works covered by your Permit No. 02-7215 on June 12, 1978, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.68 cfs Source: Snake River

The maximum quantity diverted shall not exceed 555 acre feet per
year.

Point of diversion: Govt. Lot 8, Sec. 18, Twp. 3N, Rge. 4W, B.M.

Beneficial use: Irrigation of 111 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 18;
N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 19, Twp. 3N, Rge. 4W, B.M.

Priority date established: January 8, 1976

If you do not concur with these findings please contact us within 10 days, otherwise a
water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

RECORDED
INDEXED

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder Fair Acres, Inc.
 Post office address Rt. 2, Wilder, ID 83676 Phone 482-7217
 Person to contact Joe Itano Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Snake River
 (name spring, stream, etc.)
 Tributary to _____

3. Water will be used for the following purposes:

Amount 2.22 c.f.s. for Irrigation
 _____ AF/Annum (nature of use)

Period of Use: from Mar. 15 to Nov. 15
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 02-7215
 Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 2.22 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 3N N/S, Range 4W E/W, B.M., Section 18, Subdivision Lot 8 $\frac{1}{4}$ $\frac{1}{4}$, Owyhee

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision $\frac{1}{4}$ $\frac{1}{4}$, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision $\frac{1}{4}$ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: 75 hp close coupled turbine pump and sprinkler system

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3N	4W	18											28	33					61
		19					10	40					1.9	1.8					50
Recommend																			
3N	4W	18											2.9	2.8					64
		19					25	22											47
																			111 acres

TOTAL ACREAGE

111

3N 4W

Lot 9
26 A.
26

Lot 8
38 A.
38

Lot 1
34 A.
22

Lot 24
34 A.
33.57

Lot 25
25

Lot 26
26

Lot 27
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Lot 28
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Lot 29
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Lot 30
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Lot 31
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Lot 32
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Lot 97
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Lot 98
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Lot 99
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Lot 100
100

NOT TO SCALE

DATE OF EXAM June 12, 1978

ACREAGE
Found III A.
Recommended III A.

Irrigation Requirement 5 Ac Ft/Ac

USE
Irrigation Q = 1.68 c.f.s. V = 555 AF/Ann. from Mar. 15 to Nov. 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 1.68 cfs Method of measurement meter

Total Q recommended 1.68 cfs Meter No. 755444 Type Musco Condition good
in-line

Total V recommended 555 AF/year

Recommended Amendments:
P.D. _____
Place of Use ☒ See front of exam.
Other _____
None _____

MEASUREMENT CALCULATION:
Meter reading 1×10^{-3} AF/26 sec. = 1.68 cfs
 $V = 5.0 \text{ AF/AF year} \times \text{III A} = 555 \text{ AF/year}$

SYSTEM DESCRIPTION:
4" foot metal pipe as sump at the edge of the river pumped with turbine pump powered by 75hp. G.E. motor. 8" discharge to buried mainline of sprinkler system.

REMARKS: Mr. Itano's brother was present during exam.

Examiner's Signature Willie H. Mon Allost Date July 10, 1978
Checked by DBS Date 7-18-78
Approved by _____ Date _____

Right

Left at

75 hp. G.E. motor
turbine pump

4 foot metal pipe sump

8" discharge

meter # 755444

Musco

Sprinkler - hand lines

$$Q_{normal} = 10 \times 10^{-3} \text{ AF} / 33 \text{ sec}$$

$$Q = 10 \times 10^{-3} \text{ AF} / 26 \text{ sec.} \approx 1.79 \text{ cfs}$$

$$\frac{3\frac{1}{4} \times 6}{2\frac{4}{5}}$$

$$\frac{13}{4} \times 6$$

$$\frac{10^{-3} \text{ AF} \times 3.259 \times 10^5 \text{ gal} / \text{AF}}{2.8 \times 10^1}$$

$$\times 6.0 \times 10^1$$

$$\frac{3.259}{6}$$

$$19.554$$

$$\frac{5.13.8^3}{4.14}$$

$$\frac{6.0 \times 3.259}{2.6}$$

$$2.6 \sqrt{19.554}$$

$$\frac{14}{4}$$

$$\frac{13}{36}$$

$$405$$

$$6 \times 10^2$$

$$\frac{760}{450}$$

$$(760)$$

$$\begin{array}{r} 3901.6 \\ 1.79 \\ 345 \overline{) 76.0} \\ \underline{45} \\ 310 \\ \underline{270} \\ 40 \end{array}$$

$$\begin{array}{r} 390 \\ 336 \\ \underline{540} \end{array}$$

February 16, 1977

Re: Permit No. 02-7215

Fair Acres, Inc.
Route 2
Wilder, Idaho 83676

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Boise.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

MICROFILMED

Identification No. _____

Permit No. 02-7215

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Fair Acres, Inc.
b) Post Office Address Route 2, Wilder, ID
2. Permit Number 02-7215
3. Date of Priority that you are prepared to establish January 8, 1976
4. a) Source from which water was appropriated Snake River
b) Location of the point of diversion: Government Lot 8 $\frac{1}{4}$, Section 18
Township 3N, Range 4W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 2.22 for Irrigation purposes from 3-15 to 11-15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 2.22 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: none made
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 75 hp close coupled turbine pump and sprinkler system
b) Describe the type and size of measuring device which you have installed at your point of diversion: 8 inch meter
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

MICROFILMED

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	4W	18											L9 28	L8 33					61
		19					10	40											50

Total number of acres irrigated 111

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

1-27-77 (Date) [Signature] (Signature)

State of Idaho)
County of Ada) ss.

On this 27th day of January, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Boise, Idaho

My commission expires March 8, 1980

02-7215

February 2, 1976

Re: App. for Permit No. 02-7215

South Board of Control, Owyhee Project
Attn: Tom Cotton
Homedale, Idaho 83628

Dear Mr. Cotton:

Enclosed is a copy of Application No. 02-7215 which shows the actual number of acres the applicant is proposing to irrigate in each lot.

Please notice on Page 2, Item 9, that the applicant indicates that he owns the property at the point of diversion and the place of use.

A person may file for water rights on land in which he has a possessory interest. This may include land that is being leased, unless the lease agreement specifically forbids the filing of a water right.

A water right may be granted to land that is presently irrigated if the supply of water is from another source, however, the total rate of diversion should not exceed the maximum allowable rate of one (1) miners inch per acre.

We hope this has provided the information that you needed so that you may decide whether you should protest this permit application.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

South Board of Control, Owyhee Project

Homedale, Idaho 83628

Phone 337-3760

Department of Water Resources

Beverly Fisher
Treasurer

January 28, 1976

Tom Cotton
Secy.-Mgr.

Mr. Keith Higginson
Idaho Department of Water Resources
Statehouse,
Boise, Idaho 83720

Dear Mr. Higginson,

I am interested in some information and an opinion on a Notice of Application for Water Permit. It is being submitted by Fair Acres, Inc. and assigned No. 02-7215.

The total acres to be served is listed at 111 and the amount is 2.22 c.f.s.

The notice does not show a break-down on how the acreage is distributed only that it lies in lots 8 and 9, Sec. 18 and N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 19, T. 3N., R. 4 W., B.M.

What is the actual break-down as to acres per each lot and/or sub-section? According to our Gem District map there is a gross of approximately 139 acres in the area mentioned and of this 139 acres the South Board of Control owns 33 in Lot 1 which is the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 19. There is also 49 acres which is classed as irrigable land and assessed as such by the Gem.

Can a person file for a water right on another persons property? This land is presently being leased to Joe Itano (who is part owner in Fair Acres, Inc.) by the South Board of Control. The lease expires December 31, 1979.

Can a water right be granted to land already in an irrigation district, being assessed by that district and receiving an adequate supply of water from the district?

The final date for protests on this application is February 9, 1976. I would appreciate an answer before this date so we have time to file a protest if we determine it is in our best interest to do so.

Yours very truly,

Tom Cotton

Tom Cotton

RECEIVED

May 18, 1976

Re: Permit No. 02-7215

Fair Acres, Inc.
Rt. 2
Wilder, ID 83676

Gentlemen:

Your approved copy of Application for Permit No. 02-7215 is enclosed and we direct your attention to the conditions of approval on the fourth page.

Especially note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

You must also be aware that there are many applications for permit for the use of Snake River water that are prior to your permit. These applications have been filed for the irrigation of land that the applicants are attempting to obtain under the Federal Land Laws such as Desert Entry and Carey Act. If these lands are recommended in the State Water Plan then no water would be available for this permit. Therefore you should consider carefully these facts before you make any expenditures for the construction of your system.

If you have any questions, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enc.

February 19, 1976

Tom Cotton, Secretary
South Board of Control, Owyhee Project
Homedale, Idaho 83628

Dear Mr. Cotton:

Thank you for your letter of February 11, regarding your concern over Application for Permit No. 02-7215 in the name of Fair Acres, Inc.

Before this permit is issued, clarification will be requested from the applicant on the questions that you raised in your letters concerning the number of acres to be irrigated, the ownership of the land and the duplication of land irrigated by the Gem Irrigation District. If you have any further questions at this time, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

South Board of Control, Owyhee Project

Homedale, Idaho 83628

Phone 337-3760

50F

Beverly Fisher
Treasurer

Tom Cotton
Secy.-Mgr.

February 11, 1976

Re. App. for Permit No. 02-7215

Mr. Keith Higginson
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Deposited

Dear Mr. Higginson,

In regards to a letter, together with a copy of Application for Permit, received from Mr. Fleenor, dated February 2, 1976 I would like to clarify a few points.

The Gem Irrigation District and South Board of Control, Owyhee Project do not wish to protest the issuance of the Permit #02-7215 but would like to set the record straight as to certain points in the application.

On page 2, item 9 it states the property is owned by the applicant. The South Board of Control owns Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 19, T. 3N., R. 4W., B.M. and is leasing 20 acres to Mr. Itano. The rest of Lot 1 is a gravel pit used by the Board. There is a gross of 33 acres in this lot. The application shows it as 40 acres.

Lot 8 (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 18, T. 3N., R. 4W., B.M. is partially classed as irrigable acreage under the Gem Irrigation District. This area has been watered with project water and is still assessed by the Gem.

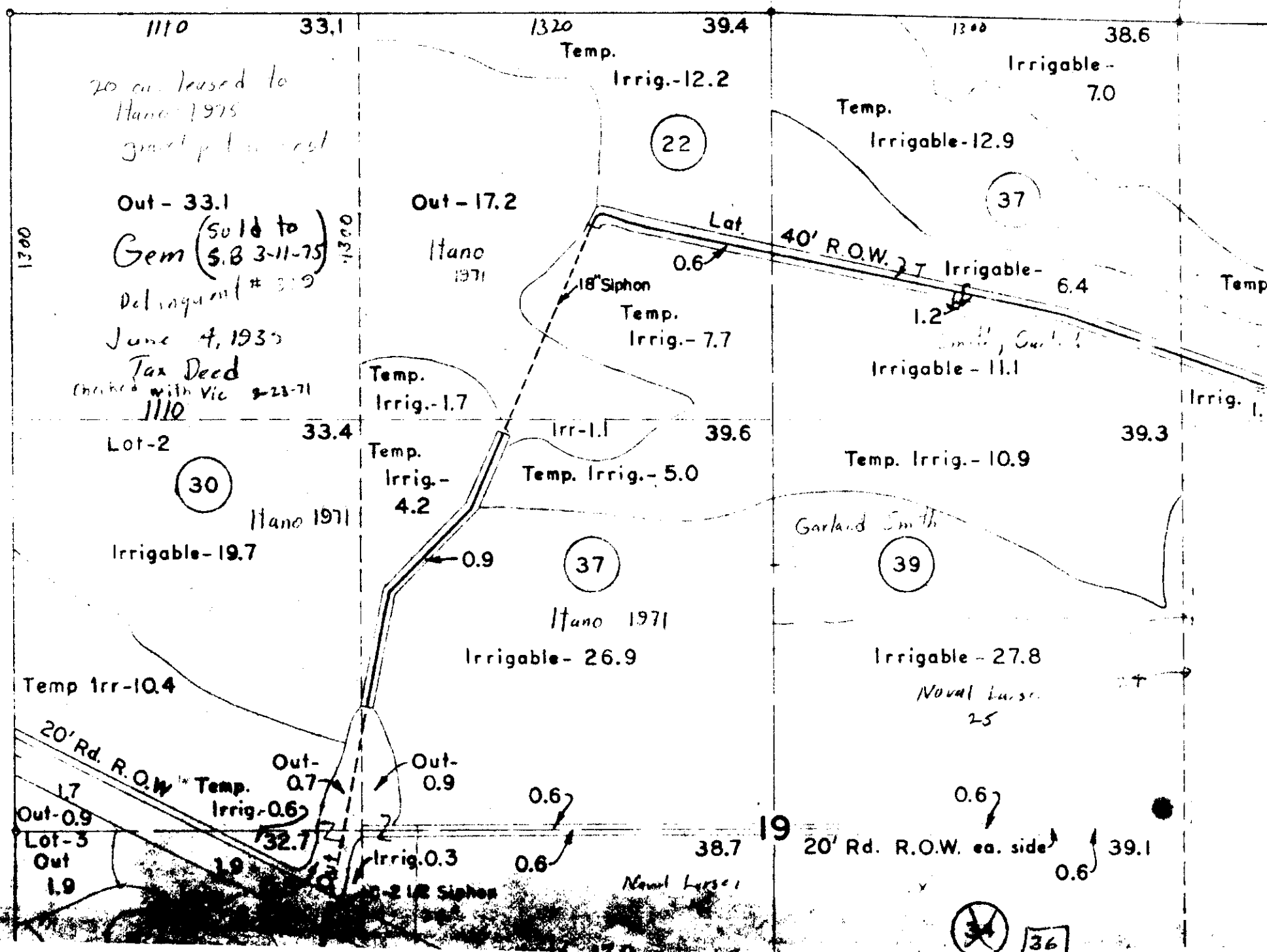
I am enclosing a copy of the irrigable area map covering the land in the application.

Yours very truly,

Tom Cotton

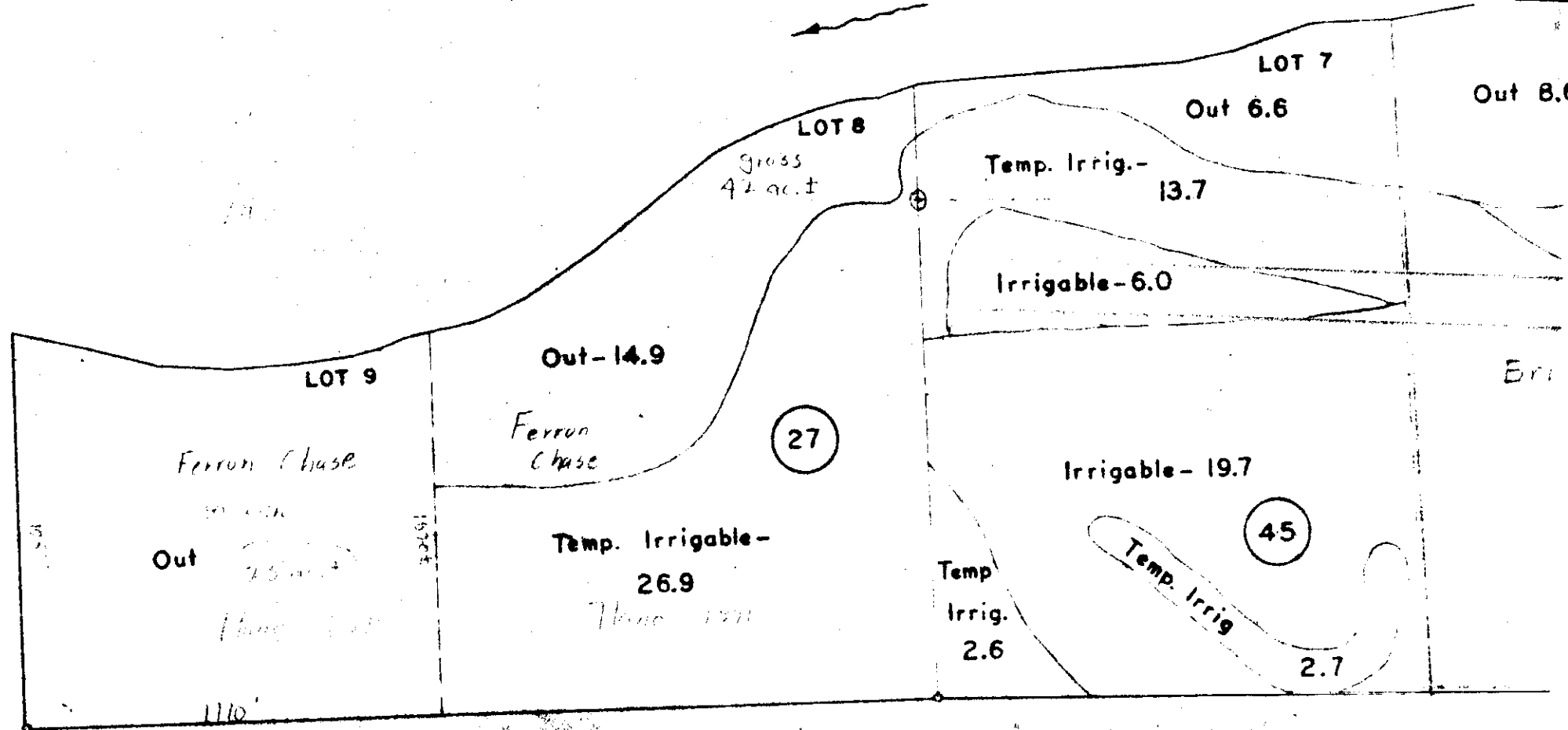
Tom Cotton
Secy.-Mgr, South Board of Control
and Gem Irrigation District.

TC/mt
Enc. 1



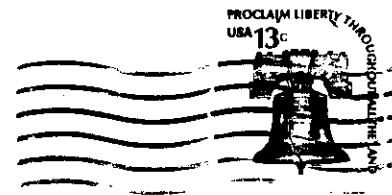
18

SNAKE RIVER



SEC. 18, T. 3 N.,

SOUTH BOARD OF CONTROL
HOMEDALE, IDAHO 83628



Mr. Keith Higginson
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

January 15, 1976

Owyhee Nugget
Marsing, ID 83639

RE: Application for Permit No. 02-7215 - Fair Acres, Inc.

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear in the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(Signature of Claimant)

Sincerely,

Bill submitted
2-2-76
OIS

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that FAIR ACRES, INC.
Rt. 2, Wilder, ID
has on Jan. 8, 1976 submitted Application No. 02-7215
for a permit to appropriate 2.22 cubic feet per second ~~acre feet~~
~~per annum~~ of water from the Snake River, trib. to Columbia River
by means of pump, pipeline and sprinkler system
within the Gov't lot 8, Sec. 18, T. 3 N. R. 4 W. B.M. Owyhee County

to be used from March 15 to Nov. 15
for irrigation of 111 acres

within the Lots 8 & 9, Sec. 18, N.W. 1/4, Sec. 19, T. 3 N. R. 4 W. B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before Feb. 9, 1976.

R. KEITH HIGGINSON

Director

Published in the Owyhee Nugget, Marsing, ID
on Jan. 22, 1976 and Jan. 29, 1976.